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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/750,077

12/31/2003

Alan J. Solyntjes

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02/19/2009

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EXAMINER

MATTER, KRISTEN CLARETTE

ART UNIT

PAPER NUMBER

3771

NOTIFICATION DATE

DELIVERY MODE

02/19/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/750,077	Applicant(s) SOLYNTJES ET AL.	
	Examiner KRISTEN C. MATTER	Art Unit 3771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Action is in response to the amendment filed on 12/18/2008. No claims have been amended, cancelled, or added. Currently, claims 1-27 are pending in the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 and 17-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger (US 5,732,695) in view of Dumortier (US 4,364,689).

Regarding claims 1-5, 6, 9, 14, and 20-22, Metzger discloses a personal respiratory protection device comprising a mask body (14) adapted to fit over at least a person's nose and mouth, at least one fluid communication component (28) located in fluid communication with the mask body so that a non-contaminated breathing gas supply source (filter cartridge 10) can be supplied to a wearer, and at least one bayonet attachment system (80, 82) that enables the breathing gas supply source to be fluidly communicatively secured to the fluid communication component, the bayonet attachment system having a first portion (82) and a second portion (80). Metzger is silent as to a connection being created when the first and second portions are attached that is incapable of being inadvertently separated. However, Dumortier discloses a bayonet attachment system that comprises a first portion (6) and a second portion (8), the first portion comprising a first tab receptacle (larger area within chamber 6 seen in Figure 1), a first ramp

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portion (inside of protrusion 5 that forms a first wall of the tab receptacle), and a first tab void area (W) and the second portion comprising a first tab (8) extending therefrom and having a size no greater than the first tab void area or the first tab receptacle so that when the first portion is attached to the second portion, the tab sits within the first tab receptacle to form a permanent connection that can only be separated by a key or by breaking part of the first, second, or third (7) portion of the attachment system (see column 4, lines 10-50 and column 5, lines 45-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the bayonet attachment system of Metzger with a locking means as taught by Dumortier in order to prevent the release or unlocking of the connection by accident or inadvertence (see column 1, line 65-column 2, line 5 of Dumortier).

Regarding claims 7 and 8, the locking device (7) is “permanently” connected to the first and/or second portion (column 4, lines 45-50) and therefore can be said to be either integral or integrated with the portions.

Regarding claims 10-13, limitations “power purifying respirator”, “self contained breathing apparatus”, “full face mask”, and “a supplied air hood” are considered alternative forms of interfaces known to one of ordinary skill in the art. Therefore, it would have been obvious to one of ordinary skills in the art to consider the respiratory mask of Burns as an equivalent interface. Additionally, Applicant has not established why a specific type of respirator is critical to the invention in terms of proving a specific function and/or solving a stated problem. Therefore, it would have been obvious to one or ordinary skills in the art to substitute one respiratory protection device with another equivalent interface as a matter of design choice.

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Regarding claim 17, Dumortier discloses that the first portion has an aperture there though (area under ramp 5), and the piece (7) can be considered part of the second portion that has an aperture (13) there through, the piece (7) configured for attachment to the first portion such that the first portion aperture aligns with the piece aperture (see Figures 7-8).

Regarding claims 18 and 19, Metzger discloses three first and second portions (see Figure 1) and in addition, Dumortier discloses that there can be a plurality of first and second portions (column 3, line 65-column 4, line 2).

Regarding claims 23-27, the modified Metzger device has all of the structural limitations needed to perform the recited method steps and is fully capable of doing so. It would have been obvious to one of ordinary skill in the art at the time the invention was made to be obvious to one of ordinary skill in the art at the time the invention was made to have performed the recited method steps of claims 23-27 because they would have directly resulted from use of the modified Metzger device.

Claims 1-3, 7, 8, 10-16, 18-20, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger (US 5,732,695) in view of Del Rio et al. (US 5,741,084).

Regarding claims 1-3, 14-16, 20, 23, and 24, Metzger discloses a personal respiratory protection device comprising a mask body (14) adapted to fit over at least a person's nose and mouth, at least one fluid communication component (28) located in fluid communication with the mask body so that a non-contaminated breathing gas supply source (filter cartridge 10) can be supplied to a wearer, and at least one bayonet attachment system (80, 82) that enables the breathing gas supply source to be fluidly communicatively secured to the fluid communication

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component, the bayonet attachment system having a first portion (82) and a second portion (80). Metzger is silent as to a connection being created when the first and second portions are attached that is incapable of being inadvertently separated. However, Del Rio et al. discloses a bayonet attachment system that comprises a first portion (20) and a second portion (18), the first portion comprising a first tab receptacle (41), a first ramp portion (60 that forms a first wall of the tab receptacle), and a first tab void area (36) and the second portion comprising a first tab (24) extending therefrom and having a size no greater than the first tab void area or the first tab receptacle so that when the first portion is attached to the second portion, the tab sits within the first tab receptacle to form a connection that is incapable of being inadvertently separated (see column 1, lines 44-50 and column 2, lines 24-28). In addition, Del Rio et al. discloses the ramp portion comprising a spring mechanism (column 2, lines 13-16) and a first end (44) that defines the first wall of the tab receptacle (see Figure 6) as well as a second end opposite the first end and attached to an inner surface (see Figure 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the bayonet attachment system of Metzger with a locking means as taught by Del Rio et al. in order to prevent the release or unlocking of the connection by accident or inadvertence.

Regarding claims 7 and 8, the spring arm (43) can be considered integral or integrated with the first portion (see Figure 6).

Regarding claims 10-13, limitations “power purifying respirator”, “self contained breathing apparatus”, “full face mask”, and “a supplied air hood” are considered alternative forms of interfaces known to one of ordinary skill in the art. Therefore, it would have been obvious to one of ordinary skills in the art to consider the respiratory mask of Burns as an

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equivalent interface. Additionally, Applicant has not established why a specific type of respirator is critical to the invention in terms of proving a specific function and/or solving a stated problem. Therefore, it would have been obvious to one of ordinary skills in the art to substitute one respiratory protection device with another equivalent interface as a matter of design choice.

Regarding claims 18 and 19, Metzger discloses three first and second portions (see Figure 1) and in addition, Del Rio et al. discloses that there can be a plurality of first and second portions (Figure 1).

Regarding claims 23 and 24, the modified Metzger device has all of the structural limitations needed to perform the recited method steps and is fully capable of doing so. It would have been obvious to one of ordinary skill in the art at the time the invention was made to be obvious to one of ordinary skill in the art at the time the invention was made to have performed the recited method steps of claims 23 and 24 because they would have directly resulted from use of the modified Metzger device.

Response to Arguments

Applicant's arguments filed 12/18/2008 have been fully considered but they are not persuasive.

Regarding applicant's argument that Metzger teaches away from the claimed invention because the connection between the filter cartridge and mask body is detachable, examiner respectfully maintains that the instant invention also comprises a detachable connection (i.e., through the use of the key). Metzger as modified by Dumortier still discloses a detachable connection, but one that is incapable of being inadvertently removed or separated as explicitly

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taught by Dumortier in column 1, line 65-column 2, line 5. Accordingly, Metzger does not teach away from applicant's invention because both the instant invention and Metzger as modified by Dumortier teach detachable connections that are incapable of being inadvertently separated.

In response to applicant's argument that Dumortier does not relate to subject matter of applicant's invention, examiner respectfully maintains that Metzger, Dumortier, and the instant invention all pertain to bayonet fittings. The fact that the bayonet fitting of Dumortier is not disclosed as for use on a personal respiratory device does not disqualify the reference as prior art. One of ordinary skill in the art would know how to modify the material and/or dimension of the bayonet fitting of Dumortier to use the fitting on the mask of Metzger for preventing inadvertent removal of two components in a bayonet fitting and there is nothing in Metzger that would prevent such a modification.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTEN C. MATTER whose telephone number is (571)272-5270. The examiner can normally be reached on Monday - Friday 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kristen C. Matter/
Examiner, Art Unit 3771

/Justine R Yu/
Supervisory Patent Examiner, Art Unit 3771